

Procedures for Evidence Handling

1 Purpose

This document sets forth the procedures for handling evidence for Forensic Advantage (FA) and legacy cases and supplements the requirements in the FBI Laboratory *Quality Assurance Manual (QAM)* and the FBI Laboratory *Operations Manual (LOM)*.

2 Scope

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3 Procedures

3.1 Receiving Evidence

Evidence management personnel are responsible for initiating submissions, assigning Laboratory numbers, and delivering evidence to a unit. The evidence will generally be delivered to an Evidence Storage Room (ESR). Transfers will be recorded on the *Chain-of-Custody Log* (7-243, or 7-243a) or in the Explosives Reference Tool (EXPeRT) database, as appropriate, for a legacy case. For an FA case, transfers will be recorded in FA. When evidence is stored in the Evidence Interim Storage Locker (EISL), specific evidence storage locker (ESL), refrigerator, or freezer, it will be noted appropriately. Drug and valuable evidence will be directly transferred to caseworking personnel for storage in the drug and valuable safe. If a piece of evidence is too bulky, or there are too many items to be stored in an ESL, the evidence may be placed in an examination room and properly secured.

At times, evidence is received directly from the field. Evidence transfers occurring in the field where FA is not available will be recorded on a *Chain-of-Custody Log* (7-243) or other appropriate form. At the FBI Laboratory, evidence transfers will be recorded on the *Chain-of-Custody Log* (7-243, 7-243a), or in EXPeRT, as appropriate, for legacy cases and for FA cases, transfers will be recorded in FA.

An appropriately trained employee (typically evidence management personnel) will receive the evidence and initiate a submission to obtain a Laboratory number.

3.2 Case Assignment

The Unit Chief will ensure that the submission information is reviewed and that cases are assigned to the appropriate examiners based on the category of testing (e.g., explosives chemistry, fire debris, explosives and hazardous devices) involved in the request. For legacy cases, the records will be placed into the assigned examiner's mailbox. For FA cases, the Case or Case Record will be assigned in FA. When necessary, evidence management responsibilities will be assigned according to the practices described in the *LOM Practices for Assigning Cases and Conducting Examinations*.

3.3 Handling Evidence

To accept or handle evidence, personnel must have successfully completed the specific requirements for handling evidence as outlined in their training manual. To be assigned a case, an examiner must be technically qualified and authorized in the appropriate category of testing.

3.4 Drug and Valuable Evidence

All drug and valuable evidence, at the end of each working day, will be sealed and stored in a specifically-designated safe. This evidence will not be stored overnight in an open area, for example, an examination room.

3.5 Evidence Transfers for Legacy Cases

For legacy cases, the transfer of evidence between evidence management personnel and personnel in a category of testing (e.g., device examiner managing the case to an explosives chemistry examiner) will be recorded on the *Chain-of-Custody Log* (7-243) or in EXPeRT, as appropriate. Personnel within the same category of testing will use the *Chain-of-Custody Log Continuation Page* (7-243a) to record intraunit transfers of evidence, if necessary (e.g., transfers between chemistry examiner and a chemist). The *Chain-of-Custody Log Continuation Page* (7-243a) will be retained in the examiner's 1A.

3.6 Breaking Down (Inventorying) and Identifying Evidence

After a case is assigned and the evidence is delivered, the evidence container(s) and/or packaging will be opened, when practicable, and the contents broken down (referred to as "inventory" for legacy cases) and described. Check-in notes will be prepared upon breakdown and may be recorded in FA or recorded in writing and maintained with the FBI Laboratory file.

The evidence received will be compared against the itemized listing in the request for examination (e.g., Laboratory Examination Request (LER) (FD-1121), Request for Laboratory Examination (RFLE), Electronic Communication (EC) (FD-1057), *TEDAC Item Submission Form* (7-275)), Chain-of-Custody Log (FA, 7-243, or 7-243a), or other appropriate record. If

anything is missing or if items are present which are not listed as being delivered, it will be brought to the attention of evidence management personnel.

If any evidence container(s) and/or packaging is damaged or in an unsealed condition, it will be recorded in the check-in notes or case notes. The decision to proceed with evidence processing and analysis will be dependent on the circumstances of the case, the nature of the packaging, and determined by the assigned examiner. If examinations will not be conducted, evidence management personnel will be notified.

Check-in notes will be prepared to record the type and nature of the packaging of the submitted item(s). If the primary packaging is not sealed but examinations will still be conducted, the lack of a seal(s) will be noted in the check-in notes or case notes and the packaging will be sealed upon completion of examinations.

3.6.1 Safety Check

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3.7 Subdivided Evidence

During the breakdown process or examination, personnel may subdivide an item of evidence as necessary. The subdivided item will be transferred to new evidence packaging and given a unique identifier beginning with the item identifier from which it originated followed by a sequential number (e.g., Item 1-1 for FA, Q1.1 for legacy). Further subdivision of an item already subdivided will follow the same pattern using an additional sequential number.

For legacy cases, subdivided items will be listed on the *Laboratory Worksheet* (7-2). For legacy and FA cases, subdivided items will be referred to in the *Laboratory Report*.

3.8 Secondary Evidence

Secondary evidence is a material derived from an examination process on an item of evidence (e.g., prepared microscope slides, pill boxes containing scraped debris, vials containing extracts or c-strips). It is not an individual item submitted by a contributor and could not have been assigned an item identifier through the evidence breakdown process.

When secondary evidence is created, a new item identifier will be generated and recorded on the *Explosives Secondary Evidence Log* (Appendix A). The *Explosives Secondary Evidence Log* will

be retained as described in the *LOM Practices for Assigning Cases and Conducting Examinations*.

For legacy cases, secondary evidence does not need to be added to the *Laboratory Worksheet* (7-2), but it must be recorded on the *Explosives Secondary Evidence Log*. Transfer of the secondary evidence will be recorded on the *Chain-of-Custody Log* (7-243 or 7-243a).

For FA cases, secondary evidence will be added as a separate item as described in the *LOM Practices for Assigning Cases and Conducting Examinations*. The “For Analysis” box will be checked to ensure that the secondary evidence item appears in the *Laboratory Report*. The secondary evidence item description will include the name of the discipline or category of testing and the number and type of secondary evidence (e.g., “Explosives Chemistry Secondary Evidence [2 glass vials]”). If additional secondary evidence is generated from the same submission after the *Explosives Secondary Evidence Log* has been created and an item number assigned, the *Explosives Secondary Evidence Log* can be checked out of FA and updated to reflect the updated totals.

3.9 Preservation of Evidence

Personnel will at all times be aware of the need to protect the evidence for examinations that may be conducted by examiners of other caseworking units and to preserve the integrity of each item by protecting it from loss, cross-transfer, contamination, or deleterious change. These individuals, through their training, will be knowledgeable of the proper sequence in which examinations need to be conducted. If an examiner receives evidence that should be examined by another discipline or category of testing first, or receives evidence after being processed by another discipline or category of testing that prevents an examination from being conducted, evidence management personnel will be notified.

Listed below are general guidelines for evidence preservation. If there is any question, or if an unusual circumstance arises, consultation with other examiners assigned to the case, or the appropriate Unit Chief, will occur before beginning any examinations.

3.9.1

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3.9.1.1 Digital thermometers are connected to all refrigerators and freezers which store evidence. These thermometers are monitored by an electronic temperature monitoring system managed by FBI Laboratory instrument operations personnel. The electronic temperature monitoring system will collect and maintain temperature information, and appropriate personnel will be notified if a temperature reading is outside of typical refrigerator/freezer settings. These personnel will determine the cause of the fluctuation and will coordinate maintenance or replacement of the refrigerator/freezer as necessary.

3.9.1.2 When the electronic temperature monitoring system is unavailable for more than one calendar month, a thermometer will be monitored at least once per calendar month by a unit employee and recorded on the *Refrigerator and Freezer Monitoring Log* (Appendix B) attached to the refrigerator or freezer.

3.9.2 Trace Evidence: Appropriately trained trace evidence personnel should open and collect appropriate trace evidence prior to other examinations being conducted.

3.9.3 Firearms: FBI qualified firearms instructors may render firearms safe. If one is not available to perform this task, the assistance of appropriately trained Laboratory personnel will be requested.

3.9.4 Documents: If indented writing examinations will be conducted, personnel will protect the evidence from any action that might impart (or transfer) impressions onto the evidence, including the use of initials to place the evidence under proper seal. If necessary, the evidence will be placed into an additional container to protect it from impressions.

3.9.5 Redacted

3.9.6 DNA Evidence: Evidence to be examined for DNA should be handled carefully to prevent additional and/or loss of DNA. The use of appropriate personal protective equipment (e.g., lab coat, gloves, mask) minimizes the chance of transferring DNA to the evidence. For items to be heated during examinations, contact DNA personnel to have the item swabbed prior to heating.

3.10 Evidence Under Active Examination

Evidence under active examination, which is not a drug or valuable, may be left unsealed, as long as the area in which it is located has limited access and is secured at the end of each day. A sign (e.g., an "Evidence Do Not Disturb" sign) indicating that evidence is under examination will be placed by the evidence and be clearly visible.

Evidence may be under active examination for a period of up to six months. After six months, the evidence will be reevaluated to determine if active examinations are continuing. A notation of this evaluation will be recorded in the case notes by the individual who conducted the reevaluation.

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3.11.1.8

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3.11.2.5

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4 References

FBI Laboratory Quality Assurance Manual, Federal Bureau of Investigation, Laboratory Division, latest revision.

FBI Laboratory Operations Manual, Federal Bureau of Investigation, Laboratory Division, latest revision.

Rev. #	Issue Date	History
3	12/16/2019	Revised 3.9.1.1 and 3.9.2 to remove unit names. Revised 3.11.3. Removed SAU Chief from approval lines. Separated Explosives Chemistry and Fire Debris signatures.
4	07/15/2020	Removed fire debris from section 2. Updated sections 3.6.1 and 3.9.1. Removed Fire Debris Technical Leader from approval lines.

Approval

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Explosives Chemistry
Technical Leader

Date: 07/14/2020

Explosives and Hazardous
Devices Technical Leader

Date: 07/14/2020

Explosives Unit Chief

Date: 07/14/2020

QA Approval

Quality Manager

Date: 07/14/2020

Appendix A: *Explosives Secondary Evidence Log*

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Appendix B: *Explosives Refrigerator and Freezer Monitoring Log*

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